

**REMARKS / ARGUMENTS**

The present application includes pending claims 1-43. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 6, 7, 13, 16, 25, 26, 32, 36, 41, and 42 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 1-5, 8-12, 14-18, 20-24, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0141441 ("Neumann"), in view of U.S. Patent No. 5,918,040 ("Jarvis").

Claims 6, 13, 19, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Neumann, in view of Jarvis, and further in view of MPEP 2144.03.

Claims 7 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Neumann, in view of Jarvis, further in view of MPEP 2144.03, and still further in view of USPP 2002/0186754 ("Kawai").

Claims 28-43 are rejected for the same rationale as used for claims 1-27.

The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

**I. Claim Rejections under 35 U.S.C. § 112**

Claims 6, 7, 13, 16, 25, 26, 32, 36, 41, and 42 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Final Office Action states the following:

Claims 6, 7, 13, 16, 25, 32, 36 41 and 42 recite the limitation "additional timer value". There is insufficient explanation of how the additional timer value pertains to the second wireless communication network. There is no mention of "additional timer value" in the specification, let alone any explanation of how the "additional timer value" pertains to the second wireless communication network.

See the Final Office Action at page 2. The Applicant respectfully disagrees and submits that the specification is sufficiently clear on how the additional timer value is used. Initially, the Applicant points out that at least claim 7 discloses that the "at least one timer value" may correspond to the slot counter, and the "additional timer value" may correspond to the sample counter. However, the slot counter and the sample counter are part of the counter 1100 (FIG. 11) maintained by the WCDMA master timer 1018 (FIG. 10) of the WCDMA baseband co-processor 1004. The Examiner is referred to, for example, FIGS. 10-11 and p. 19, line 24 – p. 20, line 27 of the present specification for additional explanation of how the slot counter and the sample counter (corresponding to the "at least one timer value" and the "additional timer value") are used for purposes of establishing timing synchronization.

The Applicant maintains that there is sufficient explanation of how the additional timer value pertains to the second wireless communication network, and the rejection of

claims 6, 7, 13, 16, 25, 26, 32, 36, 41, and 42 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure, Rev. 6, Sep. 2007 ("MPEP") states the following:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a

*prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

**II. The Proposed Combination of Neumann and Jarvis Does Not Render Claims 1-5, 8-12, 14-18, 20-24, and 27 Unpatentable**

The Applicant turns to the rejection of claims 1-5, 8-12, 14-18, 20-24, and 27 as being unpatentable over Neumann in view of Jarvis.

**A. The Proposed Combination Does Not Teach or Suggest “Said Host Baseband Processor Enables Timing Synchronization ... On The Basis Of Timing Information Transferred To Said Host Baseband Processor From Said Baseband Co-Processor”**

With regard to the rejection of independent claim 1 under 103(a), the Applicant submits that the combination of Neumann-Jarvis does not disclose or suggest at least the limitation of “said host baseband processor enables timing synchronization between said first and second wireless communications systems on the basis of timing information transferred to said host baseband processor from said baseband co-processor,” as recited by the Applicant in independent claim 1 (emphasis added).

Neumann discloses a wireless telephone that includes a first and second baseband processors. The first baseband processor (GSM) functions as a system master, and the second processor (TDMA) functions as a system slave. The first baseband processor interfaces to the system controls, such as power supply, man machine interface (MMI), and the like. See Neuman at Abstract.

The Office Action concedes in page 3 thereof, that “Neumann does not specifically disclose the host baseband processor enables timing of synchronization between the first and second wireless communication systems.” To overcome this deficiency, the Office Action relies on Jarvis and states the following:

Jarvis discloses a processor enabling **timing synchronization between two network systems** on the basis of timing information sent from another processor (Figures 1-5b, abstract, col. 2, lines 7-21 and 45-65, col. 3, and lines 35-67).

See the Office Action at page 3 (emphasis added). The Applicant respectfully disagrees, especially with the above bolded portion, and points out that **Jarvis discloses exchange of timing information within the same network and not within two network systems**. Referring to FIG. 1 of Jarvis, the Applicant points out that the timing synchronization takes place only between the interface unit 30 and the packet processing unit 32. More specifically, each unit 30, 32 includes a corresponding timer 31, 33 so that timing information is included in the packets exchanged between the units 30, 32. Jarvis specifically equates each of the timers 31, 33 to a “processor”, and designates one of the timers as a Master processor (M) and the other as a Slave processor (S). See Jarvis at Figs. 1-2 and col. 3, lines 26-67. The Applicant points out that both the master and the slave processors are part of the same network, e.g., either 13 or 15. In this regard, **Jarvis only discloses exchange of timing information between timers (or master and slave processors) within the same network and not within two network systems, as erroneously stated by the Examiner.**

Therefore, the combination Neumann-Jarvis does not disclose or suggest at least the limitation of “said host baseband processor enables timing synchronization between said first and second wireless communications systems on the basis of timing information transferred to said host baseband processor from said baseband co-processor,” as recited by the Applicant in independent claim 1. Accordingly, the proposed combination of Neumann-Jarvis does not render independent claim 1 unpatentable, and a *prima facie* case of obviousness has not been established. The Applicant submits that claim 1 is allowable. Independent claims 9 and 20 are similar in many respects to the device disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 9 and 20 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

#### **B. Independent Claim 15**

With regard to the rejection of independent claim 15 under 35 U.S.C. § 103(a), the Applicant submits that the combination of Neumann and Jarvis does not disclose or suggest at least the limitation of “**generating** within a multi-mode communication device, **a timer capture interrupt during a predetermined timing phase** of a first wireless communication system, wherein **said multi-mode communication device communicates via a first wireless protocol** with said first wireless communication system, and **said multi-mode communication device communicates via a second**

**wireless protocol** with a second wireless communication system,” as recited by the Applicant in independent claim 15 (emphasis added).

In regard to claim 15, the Office Action, at page 6, concedes the following:

Neumann does not specifically discuss synchronization details e.g., generating a timer capture interrupt during a predetermined timing phase of a first wireless communication system, storing a timer value of at least one time pertinent to operation of the second wireless communication system in response to the timer capture interrupt; reading the timer value; and determining a timing relationship between the first and second wireless communication systems based upon the timer value in the format claimed by applicant.

The Examiner then relies on Jarvis for the deficiencies of Neumann, and states the following:

Jarvis discloses generating a timer capture interrupt during a predetermined timing phase of a first communication system (Figures 2-5b and col. 3, lines 59-63, col. 4, lines 1-44, col. 5, lines 1-16, "master M issues to the slave S, a data packet containing a synchronization request and its current time value Mo" ), storing a timer value of at least one time pertinent to operation of said second wireless communication system in response to said timer capture interrupt (Figures 2-5b, col. 3, lines 64-67, col. 4, lines 1-44, col. 5, lines 1-16, "So"); reading said timer value (Figures 2-5b, col. 3, lines 64-67, col. 4, lines 1-44, col. 5, lines 1-16, "compares the issued master time value", note that comparing implies reading); and **determining a timing relationship between said first and second wireless communication systems based upon said timer value** (Figures 2-5b, col. 3, lines 64-67, col. 4, lines 1-44, col. 5, lines 1-16).

See *id.* (emphasis added). The Applicant respectfully disagrees, especially with the above bolded portion. As already explained above, **Jarvis discloses exchange of timing information within the same network and not within two network systems,**

**i.e., Jarvis does not determine a timing relationship between a first and a second wireless communication systems.**

Referring to FIG. 1 of Jarvis, the Applicant points out that the timing synchronization takes place only between the interface unit 30 and the packet processing unit 32. More specifically, each unit 30, 32 includes a corresponding timer 31, 33 so that timing information is included in the packets exchanged between the units 30, 32. Jarvis specifically equates each of the timers 31, 33 to a “processor”, and designates one of the timers as a Master processor (M) and the other as a Slave processor (S). See Jarvis at Figs. 1-2 and col. 3, lines 26-67. The Applicant points out that both the master and the slave processors are part of the same network, e.g., either 13 or 15. In this regard, **Jarvis only discloses exchange of timing information between timers (or master and slave processors) within the same network and not within two network systems, as erroneously stated by the Examiner. In addition, Jarvis does not determine a timing relationship between a first and a second wireless communication systems.**

Therefore, the combination Neumann-Jarvis does not disclose or suggest at least the limitation of “generating within a multi-mode communication device, a timer capture interrupt during a predetermined timing phase of a first wireless communication system, wherein said multi-mode communication device communicates via a first wireless protocol with said first wireless communication system, and said multi-mode communication device communicates via a second wireless protocol with a second



wireless communication system,” as recited by the Applicant in independent claim 15. Accordingly, the proposed combination of Neumann-Jarvis does not render independent claim 15 unpatentable, and a *prima facie* case of obviousness has not been established. The Applicant submits that claim 15 is allowable.

**C. Rejection of Dependent Claims 4-5, 8, 10-12, 14, 16-18, 21-24, and 27**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 9, 15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Neumann in view of Jarvis has been overcome and requests that the rejection be withdrawn. Additionally, claims 4-5, 8, 10-12, 14, 16-18, 21-24, and 27 depend from independent claims 1, 9, 15, and 20, respectively, and are also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 4-5, 8, 10-12, 14, 16-18, 21-24, and 27.

**III. Claims 6, 13, 19, and 25**

Claims 6, 13, 19, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Neumann, in view of Jarvis, and further in view of MPEP 2144.03. Based on at least the foregoing, the Applicant believes the rejection of independent

claims 1, 9, 15 and 20 under 35 U.S.C. § 103(a) has been overcome and requests that the rejection be withdrawn. Additionally, MPEP 2144.03 does not overcome the deficiencies of Neumann and Jarvis, claims 6, 13, 19, and 25 depend from independent claims 1, 9, 15, and 20, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 6, 13, 19, and 25.

#### **IV. Claims 7 and 26**

Claims 7 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Neumann, in view of Jarvis, and further in view of MPEP 2144.03 and Kawai. Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 9, 15 and 20 under 35 U.S.C. § 103(a) has been overcome and requests that the rejection be withdrawn. Additionally, MPEP 2144.03 and Kawai do not overcome the deficiencies of Neumann and Jarvis, claims 7 and 26 depend from independent claims 1 and 20, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 7 and 26.

**V. Claims 28-43**

Claims 28-43 are rejected for the same rationale as used for claims 1-27. Since the Examiner has not provided any additional arguments for the rejection of claims 28-43, the Applicant submits that these claims are allowable at least for the reasons stated above regarding the allowability of claims 1-27.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-43 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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